IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5308 of 2007

Date of decision:20.09.2007

Sushil Kumar and another

..... Petitioners

Versus

State Bank of India and others

.... Respondents

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. Shiv KumarAdvocate,
for the petitioners.

Mr. S.C.Pathela, Advocate,
for respondents No. 1 and 2.

Mr. Satinder Khanna, Advocate,
for respondents No. 3 to 6.

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M.M.Kumar, J.

The instant petition filed under Article 226 of the Constitution prays for issuance of direction to respondents No. 1 and 2 i.e. State Bank of India and its Branch Manager respectively to consider the proposal dated 25.11.2006 (P-3) in accordance with the guidelines dated 03.09.2005 issued for one time settlement Scheme (P-2).

In the written statement filed by the respondents, the stand taken is that after issuance of notice dated 11.12.2006 under Section 13 (2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'the Act'), the respondents have also issued possession notice under Section 13 (4) of the Act on 30.03.2007. A copy of the notice issued under Section 13 (2) of the Act has been placed on record as Annexure P-4 by the petitioners and there is no replication controverting that no notice under Section 13 (4) was

issued has been filed. The counsel for respondents No. 1 and 2 submits that a remedy of appeal is available to the petitioners under Section 17 of the Act before the Debt Recovery Tribunal.

In view of the aforementioned position, we dismiss the writ petition by relegating the petitioners to avail the remedy of appeal in accordance with law.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 20, 2007
pj